

# **TEXAS JUVENILE PROBATION COMMISSION BOARD MEETING**

**August 28, 2009  
Holiday Inn Town Lake  
Austin, Texas**

## **COMMISSIONERS PRESENT**

Ray West, Chair  
Billy Wayne McClendon  
Ed Culver  
Rene Ordoñez  
Cheryl Lee Shannon

## **COMMISSIONERS ABSENT**

Jean Boyd  
Bob Shults  
Scott O'Grady  
Lea Wright

## **TJPC MANAGEMENT STAFF PRESENT**

Vicki Spriggs, Executive Director  
Lisa Capers, Deputy Executive Director and General Counsel  
Debbie Garza, Chief of Staff  
Kristy Almager, Staff Services Manager  
Nancy Arrigona, Director Research and Statistics  
Scott Friedman, Director Field Services

## **TJPC STAFF PRESENT**

Linda Brown  
Kevin DuBose  
Luis Guerrero  
Conrad Jones  
Rachael Kapur  
Diane Laffoon  
Genovia Spencer  
Karen Roe  
Kim Wood

**1. Call to Order – R. West**

Commissioner Ray West called the board meeting of the Texas Juvenile Probation Commission to order at 9:05 a.m.

**2. Excuse Absences – R. West**

A **motion** was made by Commissioner Ordoñez and **seconded** by Commissioner McClendon to excuse the absence of Commissioners Boyd, O'Grady, Shults and Wright. Motion passed unanimously.

**3. Approval of Minutes from May 22, 2009 Board Meeting – R. West**

A **motion** was made by Commissioner Culver and **seconded** by Commissioner McClendon to approve the minutes as presented. Motion passed unanimously.

**4. Update on Fiscal Year 2009 Budget and Expenditures – L. Brown**

Most of the Administrative categories are within budget. In the Capital Outlay item the year to date expenditures are \$46,151 which is 99.4% of the budget. This went toward the purchase of 29 laptop computers for staff who travel on a regular basis.

Under the Community Corrections category the funds that are less than 83% are reimbursement funds. The Regional Incentive Grant which is at 100% of the budget and the Diversionary Residential Placement which is at 98% were disbursed to departments at the beginning of the year.

The Level 5 Placements and the Post Adjudication Facilities funds have been encumbered and will be expended by the end of the fiscal year. Special Programs Juvenile Justice Alternative Education Program (JJAEP) Statutory funds are reimbursements and 65.32% of them have been dispersed. The JJAEP Grant has been 100% disbursed, half at the beginning of the year and the remaining half in February.

Very few children meet the new requirements under the Administration for Children and Families (ACF) guidelines for Title IV-E claims. The Texas Department of Family and Protective Services (DFPS) have completed their audit of the 2008 4<sup>th</sup> quarter claims and the results show that most counties did not count reasonable candidates. Claims will not be processed for these counties until applications have been received and approved.

The Harris County Delta Boot Camp designation has been in the Commission's budget since before 1995. The Commission gets a report from Harris County at the end of each fiscal year. This report will be presented at the next board meeting.

The rest of the administrative and grant expenditures are within budget and funds have been expended accordingly.

No action was required for this item.

**5. Discussion and Possible Action on Funding Fiscal Years 2010 and 2011 State Aid Allocation and Related Funding – L. Brown**

The appropriated amount of \$47,561,542 for fiscal year 2010 is \$100,000 less than the \$47,661,542 amount appropriated in fiscal year 2009. Rider #14 states that unexpended funds can be used to make up the difference to ensure that departments receive the same amount of state aid in fiscal year 2010 as they did in fiscal year 2009, and so the Commission will utilize appropriated receipts (turn back funds) to negate funding decreases.

The Commission requested a restructure of the budget to allow juvenile probation departments more flexibility to respond to the needs of juvenile offenders. Based on this request, the legislature approved the consolidation of State Aid/Grant A and Progressive Sanctions Level 1-2-3 Programs/Grant G.

The rest of the appropriations under Basic Probation have essentially remained unchanged since they were originally appropriated to the Commission. As a result, staff recommends that these items be approved as presented.

A **motion** was made by Commissioner Ordoñez and **seconded** by Cheryl Shannon to approve the state aid allocation and related funding for fiscal years 2010 and 2011. Motion passed unanimously.

**6. Discussion and Possible Action on Funding Fiscal Years 2010 and 2011 Community Corrections Allocation and Related Funding – L. Brown**

As a part of Riders 21 and 22 an amount of \$45.7 million will be used for programs and services to divert juveniles from the Texas Youth Commission (TYC). Departments that have committed 1 or less to TYC will receive \$12,500. Departments that have committed 2-4 will receive \$25,000. Departments that have committed 5 or more will receive \$51,100 per diversion. Some departments feel that they are being penalized for not committing juveniles to TYC but for those departments that receive the \$12,500 and the \$25,000 it's more of an incentive to them to continue to divert kids from TYC.

The Commission has also been mandated by the legislature to provide funding for mental health services through an interagency contract with the Texas Correctional Office on Offenders with Medical and Mental Impairments (TCOOMMI).

The remaining amount of \$4.3 million will be utilized to implement the Juvenile Case Management System (JCMS) and \$1 million will be used for the Peavy Switch Mental Health Residential Treatment Center. The additional funding will be administered according to Rider 21 and 22 in the Commission's bill pattern.

The related funding includes Progressive Sanctions Intensive Supervision Officers (Grant O), Intensive Community Based Programs and Pilots (Grants U and X) and the Diversionary Fund (Grant H) for fiscal year 2010. As a result, staff recommends that these items be approved as presented.

Mark Williams – Tom Green County

I was one of the ones not very happy with this formula. We were using over \$200,000 per year for IV-E. We got \$25,000 for Tom Green County for Title IV-E. Vicki said we were given an opportunity to change this, the Commission worked with us on the H Grant but we were not given the opportunity to change this one, it was already decided.

I would very much like the Commission and the board to reconsider this formula, and I have lots of ideas as to how it could have been done in a fairer fashion, and I think there are some others that do too. Again, they were under the gun to try and do this, I'm not trying to criticize them personally, I just do not think the way this money is sent out is going to effectively do what we need to do.

In some of the counties that got a lot of money, it's not just probation departments that want to send kids to TYC, it's because their particular judge or D.A. is very committed to sending those kids to TYC and being tough on crime. And I don't know that sending them money is going to change that attitude. So that's all I'll say on that and I appreciate the opportunity to testify today.

It was suggested that if anyone has ways to change this, to submit those ideas along with the idea to address the Commission's concern that if we change mid-stream it might affect the counties that did get funding or commitments to funding.

There were no other public comments on this issue.

A **motion** was made by Commissioner Shannon and **seconded** by Commissioner Ordoñez to approve the funding on fiscal years 2010 and 2011 Community Corrections allocation and related funding. Motion passed unanimously.

**7. Discussion and Possible Action on Funding Fiscal Years 2010 and 2011 Secure Felony Placement Reimbursement Fund – L. Brown**

\$4.3 million was appropriated to the Commission to distribute to the juvenile probation departments for community based services intended for serious and chronic felony offenders. Allowable levels of care rates will be \$95.00 for basic services and \$127.00 for specialized services. Reimbursements will be on a first come first served basis.

In establishing the reimbursement process, departments were categorized based on their average felony referrals and historic average placement of Level 5 funds. Staff recommends that the amount and method of reimbursement is approved for fiscal years 2010 and 2011.

A **motion** was made by Commissioner Culver and **seconded** by Commissioner Shannon to approve the funding for fiscal years 2010 and 2011 secure felony placement reimbursement funds. Motion passed unanimously.

**8. Discussion and Possible Action on Funding Fiscal Years 2010 and 2011 Border Projects. – L. Brown**

The Commission has identified the departments that have used these funds in fiscal years 08 and 09. El Paso decided not to participate in the project this year due to safety issues along the border. Staff recommends that the board continue to fund the project up to \$150,000 for fiscal years 2010 and 2011.

A **motion** was made by Commissioner Shannon and **seconded** by Commissioner Culver for approval of funding fiscal years 2010 and 2011 Border Projects. Motion passed unanimously.

**9. Discussion and Possible Action on Funding Fiscal Year 2010 and 2011 Small County Diversionary Placement Assistance Fund – L. Brown**

There is no change in the grant amount of \$300,000. Only departments with juvenile populations of 4,000 or less can apply for reimbursements of secure and non-secure placements. Funds are disbursed on a first come first served basis.

The financial system report identifies the departments that utilized this funding in fiscal year 2009. Staff recommends that the board approve the amount of \$300,000 for each fiscal year of the 2010/2011 biennium.

A **motion** was made by Commissioner Shannon and **seconded** by Commissioner McClendon on funding fiscal years 2010/ 2011 Small County Diversionary Placement Assistance Fund. Motion passed unanimously.

**10. Discussion and Possible Action on Funding Fiscal Years 2010 and 2011 Harris County Boot Camp – L. Brown**

There are no changes in the appropriated amount of \$1 million. At the end of the fiscal year Harris County will submit a report to the Commission regarding the outcome of performance measures. The staff recommends that the Board approve \$1 million of Community Corrections funds for the juvenile boot camp in Harris County.

A **motion** was made by Commissioner McClendon and **seconded** by Commissioner Shannon to approve the funding of fiscal years 2010 and 2011 for the Harris County Boot Camp. Motion passed unanimously.

**11. Discussion and Possible Action on Funding Fiscal Years 2010 and 2011 Offenders with Special Needs Diversionary Grant (TCOOMMI) – L. Brown**

Phase one of the program was to make the funds available to the eight most populous counties in Texas. The departments of these counties receive funding for the cost of up to four experienced probation officers to serve as case managers.

Phase two provides funding for eleven medium sized departments for the cost of one specialized officer to be matched with a mental health expert provided by the Texas Correctional Office on Offenders with Medical and Mental Impairments (TCOOMMI). This team provides services similar to those offered in the larger counties.

This program has not changed and the amount from the last biennium remains the same. The Commission staff recommends that the same allocation and methodology be approved for fiscal years 2010 and 2011.

The service period is 4-6 months and the average caseload is about 12. These are high needs kids and they require intensive levels of service, and so the ratio we have set is a minimum of 1:12. The preferred caseload size is 1:15.

*Jane King – Randall County*

We have had a special needs program since its inception and currently the ratio is 1:12 but these are kids who have serious mental health needs. When you're giving this amount of service the timeframe 4-6 months is not enough and the caseload is too large. You're trying to keep them out of TYC and out of placement and you're working with them in family settings so it's not just the child. You're going to work with the whole family. Hopefully that helps some siblings that are there and keeps some kids from coming in.

That could be improved if the caseload is 10-12 instead of 12-15. Also 6-9 months is appropriate instead of 4-6 months because it takes a month to get the case going and to know them, and then you've already started weaning down and we're talking about kids with serious mental health needs.

Right now TCOOMI puts about \$7 million into the mental health aspect of it. The Commission puts in \$2 million for the hiring of the probation staff. The largest driver behind this because the model really came out of the adult system, has been TCOOMI. The Commission is doing some restructuring now, but for the length of stay it would be good to have some commissioned recommendations.

A proposal was made from the board to modify the ratio to at least 1:10 and also increase the length of treatment to 6-9 months. This would not be a condition of approval; it's an action that could be taken independent of approval of any budgetary items. Board recommends that staff is to present a report at the next board meeting regarding increasing the ratio to 1:10 and the length of treatment to 6-9 months.

A **motion** was made by Commissioner Shannon and **seconded** by Commissioner Ordoñez to approve Funding Fiscal Years 2010 and 2011 Offenders with Special Needs Diversionary Grant (TCOOMMI). Motion passed unanimously.

**12. Discussion and Possible Action on Funding Fiscal Years 2010 and 2011 Operating Costs of Post – Adjudication Facilities – L. Brown**

The grant amount has not changed from the previous biennium. The original 19 facilities were a part of the construction bond funding contract. Three facilities no longer receive funds. Payment will be allocated to eligible facilities based on historical occupancy rates from fiscal year 2008. Unexpended balances for any county not using all of their allocation will be returned to the Commission. Staff recommends that his amount and method of allocation be approved for fiscal years 2010 and 2011.

A **motion** was made by Commissioner Culver and **seconded** by Commissioner McClendon to approve the funding of fiscal years 2010 and 2011 operating costs of post-adjudication facilities. Motion passed unanimously.

**13. Discussion and Possible Action on Funding Fiscal Years 2010 and 2011 Juvenile Justice Alternative Education Programs (JJAEP) – L. Brown**

These are funds that have been transferred from the Texas Education Agency (TEA) for counties with a population of 125,000 or greater and those counties between 72,000 and 125,000 who choose to participate as a mandatory JJAEP county. The funds are for students that are expelled with the intention of covering the full cost of providing education services for the students.

Staff recommends approval of each one of these items:

- a) Approve the distribution of the initial \$1.5 million to counties required to operate a JJAEP and those over populations of 72,000 who choose to operate a JJAEP as a mandatory county.**

A **motion** was made by Commissioner Culver and **seconded** by Commissioner Ordoñez to approve the distribution of the initial \$1.5 million. Motion passed unanimously.

- b) Approve the daily reimbursement rate set forth in the rider at \$79 per day per student.**

A **motion** was made by Commissioner Shannon and **seconded** by Commissioner Culver to approve the daily reimbursement rate at \$79 per day. Motion passed unanimously.

- c) An additional \$500,000 for each fiscal year of the biennium to allow mandated and non-mandated counties to apply for additional funds on a grant basis. Staff recommends that the grant awards not exceed \$50,000 with a dollar for dollar match. Local match may include in-kind services.**

A **motion** was made by Commissioner Culver and **seconded** by Commissioner McClendon to approve the \$500,000 for each fiscal year of the biennium for additional funds on a grant basis. Motion passed unanimously.

**14. Discussion and Possible Action on Funding Fiscal Year 2010 Administrative Budget – L. Brown**

The proposed 2010 Administrative budget includes an increase of salaries and payroll related costs due to the additional staff approved at the last legislative session. This includes four additional full time employees (FTE's) for the JCMS Project, one Abuse and Neglect Investigator, a Field Services Program Specialist, a MIS Programmer and a Fiscal Services Auditor.

Professional Fees and Services will increase to cover the cost of the required annual internal audit and additional tasks conducted by Garza, Gonzalez and Associates and the annual licensing fee for the Project Aspect program. This funding will also allow the Commission to contract and provide technical assistance to juvenile probation departments.

Increases in Travel costs will be due to additional FTE's. The categories Materials and Supplies, Communications and Utilities, Repairs and Maintenance and Rentals and Leases will increase based on historical expenditures and additional staff.

Printing and Reproduction costs will increase as a result of the publishing of the supplement to the Dawson's juvenile law books. Other Expenditures costs will increase due to the Sunset bill requirement to transfer administrative hearings from the Commission to the State Office of Administrative Hearings (SOAH) and the cost to reconfigure office space for the additional staff.

Capital Outlay/Equipment was approved and appropriated by the Legislature to purchase desktop computers for new staff, replacement of servers, system backup infrastructure replacement and equipment for the Juvenile Case Management System (JCMS).

The 277% increase in the Professional Fees and Services item is because there is \$50 million in new funding going out and there is a lot of performance and expectations on this. The Commission expects to be doing a lot more technical assistance. Some of it's going to be consultant-based and some of it's going to be staff-based and the staff still has everyday duties to perform. Bringing in a lot of technical consultants will be necessary to help departments achieve the best performance outcomes so that the Commission is able to maintain this funding in the future.

In the future the board would like to see where there is a state mandate that funds are spent a certain way, and that money should be highlighted as such. The Commission will do an annual highlighting of what the state's designation is for those funds.

Staff recommends approval of the administrative budget.

A **motion** was made by Commissioner McClendon and **seconded** by Commissioner Culver to approve funding the fiscal year 2010 Administrative Budget. Motion passed unanimously.

#### **15. Update on Allegations of Abuse, Neglect and Exploitation for Fiscal Year to Date – K. Dubose**

This report shows a breakdown of the call line numbers and how many are what type of call, the counties they originated in, type of facility, type of allegation and disposition. One call can result in a series of outcomes meaning you can have an allegation and a grievance, multiple allegations and thus, the difference between the number of calls and number of actions.

What the standards require is that the children have unimpeded access to the Commission. It could be by fax, computer or phone. It looks like the pilots proved that the Commission is not going to be bombarded by the numbers. And you're comparing apples to oranges when you compare the number of calls that TYC got during a time of crisis to what the Commission is doing.

The PREA standards for juvenile justice are out. Adult offenders have this right to call someone to report abuse. Juvenile offenders ought to have nothing less.

The line graph includes numbers as of June 30<sup>th</sup>. This dates back to fiscal year 2005 through fiscal year 2008. These incidents have trended down in total allegations and serious incidents that have been reported.

As of June 30<sup>th</sup> there were 579 allegations of abuse and neglect and they're broken down by complaint. The number of cases pending reflects 351 and as of this morning there were 683 total allegations of abuse for fiscal year 09 and so apparently we will finish significantly lower than we did last year in total number of allegations which was 793. And as of this morning the 351 that were pending has been reduced to 281.

In addition, in the reason to believe category there was 1 as of June 30<sup>th</sup> and that number now is 11 with 7 referrals to local prosecutors.

Serious injuries can vary. It can be a resident having an injury while playing basketball or a kid that slips and falls. To constitute a reportable serious injury it must involve medical treatment. This can be fractures, lacerations requiring sutures, significant sprains, etc. The injury can occur in any type of scenario other than youth on youth physical assault.

Mike Meade - Fort Bend County

On September 1<sup>st</sup> we started the hotline process for the Commission and I just want to make this board aware that I ran the numbers on TYC. In 2008 they received 12,840 calls on their hotline. Keep in mind they had 1,582 kids out at that facility generating that many calls. I also ran the numbers on how much it cost to run the OIG units and it was \$2.2 million. So if my math is correct, from those 12,840 calls they netted 0.2% confirmed. So as a tax payer, it's around \$440,000 to capture 0.2% confirmed. I'm not too pleased about that.

The other thing I want to make you aware of is, don't just look at the number of allegations and if TYC is any indication, a lot of reports are being made but very few are confirmed. And I just want this board aware that a lot of numbers are going to be thrown at you by TJPC and you're going to get more calls, we've got signage out, but don't just look at just the numbers, look at the confirmed abuse, and I've asked this board to evaluate it after one year to see if it's even worth continuing the hotline.

Mike Meade's concerns are real and the Commission does have the responsibility of making sure the kids have access and also has the responsibility of the ongoing monitoring. Do we expect a huge increase in allegations? What happens as the counties absorb a lot more serious offenders? Do more front end programs divert more kids from facilities? Are more serious kids going to show up in facilities?

The board will watch the numbers very carefully, how many reports are made, how many are frivolous and how many have merit and what it costs. The Commission does take this very seriously.

No action was required for this item.

**16. Discussion and Possible Approval of a Memorandum of Understanding Between the Texas Juvenile Probation Commission and Texas Commission on Law Enforcement Officer Standards Regarding Firearms Training for Juvenile Probation Officers for Initial Publication in the Texas Register – K. Dubose**

Senate Bill 1237 is amended Chapter 142 of the Human Resources Code and it allows juvenile probation officers to carry firearms. There are stipulations related to that, one being the Chief Juvenile Probation Officer has to approve it and a Juvenile Probation Officer (JPO) has to be issued a certificate of firearms proficiency from TCLEOSE.

Within that senate bill they also amended 1701 of the Occupations Code 1701.258 which specifically requires the Commission and TCLEOSE to enter into a memorandum understanding that would establish a training program so that JPO's can obtain that certificate of proficiency.

Included in the packet is a memorandum of understanding that was entered into between the Texas Department of Criminal Justice and TCLEOSE and that MOU of course, provides for the same training and curriculum development for adult parole officers and adult probation officers. Needless to say, there are some distinct differences between juvenile detention officers, adult probation and adult parole officers. Essentially the function is the same so we feel that this MOU will be a good template for MOU that we are currently crafting with TCLEOSE.

In a meeting with the TCLEOSE Executive Director and their Director of Training and Education the Commission began the process toward curriculum development. TCLEOSE is going to develop that curriculum with assistance from the Commission and some other experts from the field of juvenile justice. The staff recommends the board consider this for initial publication in the Texas Register because by rule the MOU we develop will have to become an administrative rule.

The request was made by the board that before it is published it will be circulated to the board.

A **motion** was made by Commissioner Ordoñez and **seconded** by Commissioner McClendon to approve the memorandum of understanding between the Texas Juvenile Probation Commission and Texas Commission of

Law Enforcement Officer Standards for initial publication in the Texas Register subject to circulation of the proposed MOU before being published. Motion passed unanimously.

**17. Discussion of Title 37 Texas Administrative Code Chapter 343 Related to Secure juvenile Pre Adjudication Detention and Post –Adjudication Correctional Facilities for Possible Final Approval for Adoption in the Texas Register (Effective January 1, 2010) – R. Kapur**

In July the Commission received a 'Cease and Desist Letter' from a law firm representing a company called The Common Application, Incorporated. This company holds a federal trademark registration for the exclusive use of the name "Common Application". They do a periodic sweep of the internet. Since the Commission posts a document that is called the "Texas Common Application for the Placement of Children" the Commission was contacted.

The Commission in turn contacted the Health and Human Services Commission who entitled that document. In response to the letter the Commission took reference to the standard 343.600 and instead of renaming the document only the criteria required by the document was listed. This change was internal and the name on the website was changed as well. At this time approval for adoption is requested.

A **motion** was made by Commissioner McClendon and **seconded** by Commissioner Shannon to approve Chapter 343 for final adoption in the Texas Register. Motion passed unanimously.

**18. Discussion and Possible Action Regarding the Request for the Concho Valley CSCD to Assume Control of the Former Tom Green County Level 5 Facility – M. Williams**

Since the last meeting the Commission contacted the Texas Public Finance Authority who supervises the construction bond and the financing related to the facility and they confirmed with that the original contract and the memorandum of understanding are both binding until September 1, 2019.

This is a proposal for another resolution expressing the continuing intent for the facility to be run the way it is. It really would just duplicate the memorandum from 2005 that's already in effect.

A **motion** was made by Commissioner McClendon and **seconded** by Commissioner Culver to continue to approve the request for the Concho Valley CSCD to assume control of the former Tom Green County Level 5 facility. Motion passed unanimously.

**19. Overview of the Commission's Webinar Training Program – A. Welebob**

*Note: This item was tabled and is to be presented at a future board meeting*

**20. Executive Director's Evaluation – R. West**

**a. Closed Meeting – Executive Session**

**Discussion and Consideration of the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline or Dismissal of the Executive Director, Pursuant to Tex Government Code, §551.074**

The Texas Juvenile Probation Commission went into closed executive session at 11:25 a.m., pursuant to the Texas Open Meetings Act, on agenda item 20 to discuss the Executive Director's Evaluation as codified in Texas Government Code Section 551. All members of the public and staff (except for Vicki Spriggs) were requested to leave the meeting room.

**b. Resume Open Meeting**

**Discussion and any Final Action, Decision or Vote on Matters Deliberated in the Closed Executive Session**

The Texas Juvenile Probation Commission board reconvened in open session at 11:35 a.m.

A **motion** was made by Commissioner Shannon and **seconded** by Commissioner Culver to approve that the Executive Director's salary be set at the maximum allowed pursuant to Article IX, Section 3.05 of the General Appropriations Act and to continue her employment. Motion passed unanimously.

**21. TJPC Advisory Council Update – E. Medina**

My name is Estela Medina and I am here representing the Advisory Council and I'm also the Chief Juvenile Probation Officer for Travis County. There is one other member of the Advisory Council here, you met her



earlier and that is Jane King from Randall County. As you may know the Advisory Council is a statutorily created board that serves in an advisory capacity and more recently was modified somewhat.

In February of 2009 new appointments were made. The members consist of a judge, Larry Thorne from Jefferson County and 12 Chief Juvenile Probation Officers. It is representative of small, medium and large counties statewide. Additional appointments which are pending at this time will include other state agencies such as the Texas Youth Commission (TYC), Texas Education Agency (TEA) and the Health and Human Services Commission (HHSC).

The Advisory Council met three times in an effort to structure itself and is currently reviewing by-laws and the philosophy and goals of the council. The goal is to be a working council, to come before the board and present matters and recommendations affecting juvenile probation state wide and certainly all issues representing juvenile justice as a whole. The mission statement says the intent, which is to be able to facilitate and provide information to the Commission, its board and to the field and find ways to be able to address issues regarding juvenile probation issues statewide and to act collaboratively and in partnership.

The council has identified three key issues to share with you at this time. Those include working on the development of standards for non-secure facilities. That is new to us in juvenile probation, not necessarily the operation of the facilities, because we have some programs statewide, but to actually begin to develop the standards for those programs.

The Advisory Council has also been asked to look at having dialogue and maybe getting some feedback on recommendations regarding funding formulas. And some of that came up this morning. The other is to serve as a liaison between the Commission and the field on other issues regarding facility matters which may include the standards and it may include program development, etc.

The next Advisory Council meeting is tentatively scheduled for October of 2009 and at that time we should have the additional appointments to the council.

No action was required for this item.

## **22. Executive Director's Report – Agency Activity Update – V. Spriggs**

The Commission currently has 6 positions posted right now, an Administrative Assistant position, an Auditor for the Fiscal Unit, an Investigator, a Program Specialist in the Field Services Unit, a Programmer with the MIS Unit and a Research Specialist in the Research and Statistics Unit. The Commission received new positions this session and we're working to fill those positions and also fill a couple of staff vacancies.

Last meeting a lot of discussion focused on the disciplinary process and since then everything is caught up, letters have been sent to all pending cases to let those people know and just remind them of what the process is, but all of the backlogged cases have been cleared out. That has been a priority. The Commission will be developing an in-house tickler system to keep us on track so we can notify departments.

We also showed you the new disciplinary process brochure at the last meeting and now we put it on our website, sent a copy to all juvenile board chairmen and emailed it out to all departments encouraging them to copy it and distribute it to all staff.

Effective June 19<sup>th</sup> with the adoption of the new Sunset Bill, House Bill 3689, the Commission is required to have the interagency cooperation contract with the State Office of Administrative Hearings (SOAH). That has been developed and executed so now any case that goes beyond TJPC will be sent to and handled by SOAH. That information has now been posted to our website.

As it relates to Grant C we know there are recommendations that need to occur. Going back to what Mark was saying we did in fact have a Grant C conversation with the field during the first day of our Post Legislative Conference, we had a Chief Probation Officer only meeting at the conclusion of the agenda on that Monday. And then later in the week when the Budget Conference started we did have an extended discussion on Grant H as well. So we actually did put both issues on the floor so that we could take any input, and again, we'll still be taking input.

We've already made some recommendations. I had a talk with Senator Whitmire this week and talked about the problems as well as talking about what the solutions are for Grant C for next year, one being to set a sum

that the Commission will just take off the top of the funding for mental health services then we can work with TCOOMMI to get that out across the state.

Also, building in some incentive funding so that departments who are and have done a good job in reducing their commitments there is some way to recognize it and reward them financially because that is not allowed in the current funding.

The senator was also very clear that his intention in terms of pushing those funds out there was one, in an effort to keep more kids in communities and make sure that only the most serious will be going to TYC, two, wanting to increase access to mental health services with probation departments and three, to expand the range of services available at the local level. So that is what we talked about.

I did note earlier that the Commission conducted two webinars on Grant C, one on July 15<sup>th</sup> which was strictly on the probation aspect of Grant C and the internal mechanisms in the funding formula and answering those questions and then on July 16<sup>th</sup> we had the Director of TCOOMMI come to our office and we hosted a webinar with her speaking to probation departments and having her answer mental health related questions. So work related to Grant C specifically is on-going.

The Commission's training unit was supposed to be here to talk about webinars but suffice it to say this year our training unit has conducted 70 events across the state and 24 webinars, training more than 5,200 individuals. That unit consists of 3 trainers, a division director and an administrative assistant. So it's a large part of the agency and that's just the training unit.

Our legal unit provides a significant number of training across the state as well, as does the fiscal unit and the abuse and neglect unit. So there are an extensive amount of training hours coming out of this agency and an extensive amount of individuals being trained.

The Commission will be hosting a PREA meeting with stakeholders from all over the state on September 17<sup>th</sup>. In 2007 the Commission and seven other states were invited to attend a weeklong meeting to address sexual violence on youth in custody by the National Institute of Corrections. Because of everything the Commission has done is more cutting edge than waiting for things to happen, the Commission ended up standing out at that training. When Kevin DuBose and Lisa Capers talked about what we're doing in Texas people were very impressed.

In 2008 based on information that was gained at that conference the Commission hosted its first ever national conference, "Behind Closed Doors: Preventing, Responding to, Investigating and Prosecuting Sexual Abuse in Juvenile Justice Facilities". People from all over the nation as far as Alaska attended that conference.

In 2009 the National Prison Rape Elimination Commission released ethical standards, there's a year cycle for those to be adopted and put out, but in March we were selected as one of three states to participate in a collaborative mission with the Washington College of Law Project on addressing prison rape. An unnamed donor donated money for the development of a curriculum that will be developed to train on these issues across the nation.

Part of the Sunset Bill focused on the development of a strategic plan with TYC. Both TYC's Executive Director Cherie Townsend and The Commission's Vicki Spriggs were each charged with appointing four people in their respective agencies to this coordinated council. The people that Ms. Spriggs has designated are: Deborah Fowler, an advocate representing Appleseed, Dr. Jeannie Von Stultz, a psychologist with Bexar County Juvenile Probation Department, Dr. Teri Snow with Harris County Juvenile Probation Department who has more than 15-20 year tenure in juvenile probation, and Chief Tommy Ramirez from Cameron County.

Texas Youth Commission's board has been appointed. It has not been announced because of a glitch in the publication process, but the Governor's Office has assured us they have been appointed and named. The Ombudsman for TYC has also been appointed, Judge Catherine Evans. The board will meet on September 1<sup>st</sup>, and then as I understand it, they will appoint the Commissioner Cheryl Townsend as the new Executive Director of TYC. At the next meeting Cherie Townsend will be back here to talk with you to bring you all up to date with TYC.

The Commission hosted a series of major trainings in the last few months, and the last most notable were the Post Legislative Conference which was held at the end of June and had about 175 attendees, and then the Juvenile Law Conference which was conducted in August which also had about 175 attendees. And speaking

of juvenile law, you should have received a copy of the Juvenile Law Update. It has TYC, TJPC's budget and all laws passed this last session related to juvenile justice.

The Legislative Budget Board (LBB) sent an email recently telling us their interim project is entitled "The At-Risk Youth Services Project". The email discussed their goal with this project, to establish a seamless system of at-risk youth services in Texas, do analysis of the current methods of service deliveries, and then make recommendations to leadership. In order to develop this seamless system and assess the current state of affairs they've developed a three-stage project:

*Phase One: Conduct visits to some probation departments, Williamson, Travis, Nueces, Hardin, Comal and one other. They'll pull case files and assess those, talk to service providers, caregivers, and develop an inventory of service in each service area. They will also visit one TYC facility, and a program that's operated by TDCJ Institutional Division that's called the Youth Courage Program.*

*Phase Two: They will sit down and do an in-office analysis of the system to identify gaps, inadequacies and duplications.*

*Phase Three: Develop legislative recommendations to "establish the most efficient and effective service delivery service system for at-risk youth in Texas".*

So that's their plan and their project will kick off in the fall. We'll keep you updated as we hear more.

The Commission has been working with the Health and Human Services Commission (HHSC) on securing a grant for traumatic brain injuries. What's been learned through studies is that something as simple as falling off a bicycle and banging your head on the ground when you were a child can develop into behavioral disorders later in life. There's never been a study conducted to see how many juveniles in the juvenile justice system have traumatic brain injury.

So the Commission started working with the HHSC and TYC to actually look at this issue as it relates to the juvenile justice population. We received funding notification this year to have the first ever traumatic brain injury study conducted on a juvenile justice population in the nation. There is already interest from other states asking about the research that was conducted going into this.

In speaking before the Association of Counties and the Conference of Urban Counties regarding funding and legislation passed this last session, the majority of questions in both settings related to Grant C. There's a lot of discussion and concern from judicial committees especially about the legislators setting a cap of 1,783 commitments.

The goal is safe communities first and foremost, and if you need to commit a juvenile, you commit a juvenile. But to the extent that these new funds allow for the expansion of services at the local level, then they expand those services and keep those youth at home if possible.

The last thing I'd like to say is about this last legislative session. It was maligned and really awful and I need you all to know that the Commission staff stayed the course and it has been difficult for them, at some points they didn't know if we had an agency. You just need to know that you have a very dedicated staff at the Commission working for you and on behalf of Texas children.

Two board members terms have come to an end. Commissioner Culver and Commissioner Shannon were acknowledged and on behalf of the staff they were each presented with a certificate of appreciation. Judge Shannon and Commissioner Culver said what an absolute delight and pleasure it's been to work with the Commission, and that they don't know if there is a better run and operated agency than this.

No action was required for this item.

## **23. Public Comments – R. West**

There were no other public comments and no action was required.

## **24. Adjourn – R. West**

A **motion** was made by Commissioner Shannon and **seconded** by Commissioner Mc Clennan to adjourn. Motion passed unanimously. The meeting adjourned at 12:08 p.m. The next board meeting will be November 20, 2009.